



James M. Carr

James M. Carr
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

IN RE:)
)
STEVEN PAUL BUTNER,) Case No. 16-08959-JMC-7A
)
Debtor.)

)
ARTHUR ELSTON and MARY ELSTON,)
)
Plaintiffs,)
)
v.) Adversary Proceeding No. 17-50184
)
STEVEN PAUL BUTNER,)
)
Defendant.)

ORDER SCHEDULING TRIAL AND SETTING CUT-OFF DATES

Counsel for plaintiffs: Penny L. Carey

Counsel for defendant: Sarah L. Fowler

The parties appeared by counsel at a telephonic status conference held on November 29, 2017, and the Court enters the following scheduling order:

1. Trial is scheduled on **July 16, 2018 at 10:00 a.m. EDT** in Room 325, Birch Bayh Federal Building and United States Courthouse, 46 East Ohio Street, Indianapolis, Indiana. Trial time allotted is **one (1) day**. Parties and counsel shall appear at least 15 minutes prior to the time of trial.

2. Discovery shall be completed by **April 30, 2018**. Parties are excused from the Initial Disclosure requirements of Rule 26(a)(1) of the Federal Rules of Civil Procedure (made applicable to this adversary proceeding pursuant to Rule 7026 of the Federal Rules of Bankruptcy Procedure) but may conduct other discovery as authorized by the Rules.

3. Parties shall file any dispositive motions, including motions for summary judgment, by **May 21, 2018**. A motion for summary judgment under Rule 56 of the Federal Rules of Civil Procedure (made applicable to this adversary proceeding pursuant to Rule 7056 of the Federal Rules Bankruptcy Procedure) must be filed in accordance with S.D. Ind. B-7056-1. If dispositive motions are filed, parties are **ORDERED** to submit via electronic mail (Suzette_Bewley@insb.uscourts.gov) their proposed Findings of Fact and Conclusions of Law in Word format at least five (5) days before the date of the hearing on the dispositive motion.

4. Parties shall exchange and file final witness and exhibit lists by **July 2, 2018**.

5. The Court encourages the parties to stipulate to background facts and the authenticity of documents in advance of trial. Any such stipulation should be filed by **July 9, 2018**.

6. Parties shall complete their portion of the Exhibit List (form attached), which contains a description of each exhibit intended to be introduced at trial by that party, and exchange such List and all potential exhibits at least five (5) days prior to trial. Parties shall pre-mark all

exhibits, plaintiffs using numbers and defendant using letters. Originals shall be submitted to the Courtroom Deputy at the time the exhibit is offered into evidence, and sufficient copies shall be available for all parties, Judge and Staff Attorney.

7. Parties may file, at least five (5) days prior to trial, briefs in support of their respective positions. At the conclusion of trial, the Court may instruct the parties to submit proposed Findings of Fact and Conclusions of Law, and a separate Judgment entry.

8. Motions for continuance must be filed as soon as cause for a continuance is discovered. The motion shall denote whether it is the first, second, third, etc. motion for continuance. Every motion shall state whether opposing counsel objects to the continuance, or shall state what reasonable efforts were made to contact opposing counsel to make such an inquiry.

9. Failure to abide by the above orders without just cause may result in motions being summarily ruled upon or evidence being excluded at trial.

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DISTRIBUTION:

Penny L. Carey, Counsel for plaintiffs
Sarah L. Fowler, Counsel for defendant
United States Trustee

EXHIBIT LIST

Date: _____

Bankruptcy Case No.: _____

Adversary Proceeding No.: _____

PLAINTIFF _____ by Counsel _____

Exh	Description	Admitted	Not Admitted	Admitted over Obj.
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

DEFENDANT _____ by Counsel _____

Exh	Description	Admitted	Not Admitted	Admitted over Obj.
A				
B				
C				
D				
E				
F				
G				
H				
I				
J				